

MAR 26 2012

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

BARRY LYNN VIA,  
Petitioner,

v.

R.C. MATHENA,  
Respondent.

) Civil Action No. 7:12-cv-00117  
)  
)

) **FINAL ORDER**  
)

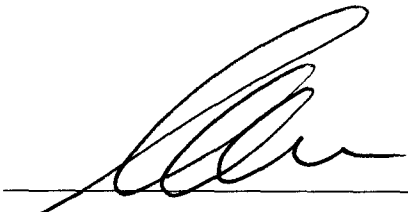
) By: Samuel G. Wilson  
) United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that Via's 28 U.S.C. § 2254 petition shall be and hereby is **DISMISSED**, Via's motion for leave to proceed *in forma pauperis* (Docket No. 2) is **DENIED as moot**, and this action is **STRICKEN** from the active docket of the court.

Further, finding that Via has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

The Clerk is directed to send a certified copy of this Order and accompanying Memorandum Opinion to the petitioner.

**ENTER:** March 26, 2012.

  
UNITED STATES DISTRICT JUDGE